

AMENDMENTS TO THE SPECIFICATION

Please amend the specification as follows:

Please amend paragraph [0002] as follows:

[0002] There are many factors that can influence the time it ~~[[take]]~~ takes to upload photo image files. These include: time of day, day of week, Internet traffic load, server load, type of Internet connection, number and size of files being uploaded, and the like. Certain times of the day are busier, and certain days of the week are busier. Heavy network traffic load, e.g. Internet or LAN traffic load, can increase upload times as it take longer for data to be serviced, for example, by servers. Likewise, heavy server load increases the delay in responding to upload requests. Also, the type of Internet connection greatly affects the bandwidth of the upload. Besides the transfer rate, the number and size of files to be uploaded affects the upload time. A large number of small files (under 80 kb) causes perceived delays in responses from the server, and they cause the underlying internet processing to build up excessively. For each file to upload there is time needed for building up the packets of data, sending the data, and then getting conformation of ~~packet~~ packets received (success/failure), and each file can have multiple packets to send. Thus, even though a user might have a connection with download speed of 256 kb per sec, the upload speed is greatly reduced (sometimes well under 100 kb per sec).

Please amend paragraph [0008] as follows:

[0008] Certain accommodations are made when there are many small files. Normally, computing the average transfer rate includes dividing the previous upload size of the previous uploads, collectively, by the total time of the previous uploads, collectively, and setting the average transfer rate to the result of this division. However, if the average file size is smaller than this result

multiplied by one second the average transfer rate equals the average file size per second. If the size of the files is small, the overhead will push the average transfer rate higher closer to the division result, and in that case the average transfer rate is that result.

Please amend paragraph [0017] as follows:

[0017] The present invention is ~~[[base]]~~ based, in part, on the observation that historical uploading information can facilitate learned upload time estimates. This principle is applied in a new model of a downloadable web tool for establishing upload time estimates. The new model facilitates a more realistic upload time estimate feedback to the user of the Photos web site. The web tool with the new module is designed to address the aforementioned need and it is referred to as the "photo uploader" tool.

Please amend paragraph [0022] as follows:

[0022] The host server 100 contains all the html pages that make up the Photos web site. These web pages allow the user to view photos, share photos with friends, and order reprints of photos. As in other web applications, to access files and albums on the Yahoo! Photos.TM. web site, the web site requires a unique Yahoo Id and password. The upload server 102 is used for accessing an end-user's files. There are predefined application programming interfaces (APIs) that a client application uses in order to view, upload, and download files from the server. An API is a specific method prescribed by a computer operating system or by an application program by which a programmer writing an application program can make requests of the operating system or another application. Preferably, but not necessarily, the client tool is an ActiveX program written in C++, and it is used within the Microsoft Internet Explorer. It utilizes Microsoft ATL/WTL code libraries to accomplish the various tasks, and it runs on personal computers that use Microsoft

Windows.RTM. operating system. Note that the photo uploader tool is parameter based, so that it can upload any type of file. It doesn't have to necessarily be an image file, and it can be any file including self-extracting executable (.exe) file. However in the exemplary system the one or more files are JPEG (Joint Photographic Experts Group), GIF (Graphic Interchange Format), PNG (Portable Network Graphics), or BMP (bit mapped) formatted files.

Please amend paragraph [0039] as follows:

[0039] Note that there can be accommodations for small files. That is, if the average file size in the current upload, derived by ~~diving~~ dividing the current upload size by the number of selected files, is smaller than the average transfer rate ~~[[over]]~~ multiplied by one second, the ~~smaller~~ average file size per second can be used ~~for setting as~~ as the transfer rate in place of the ~~calculated~~ average transfer rate.